



151 WEST 42ND STREET 49TH FLOOR NEW YORK, NY 10036
T 212.307.5500 F 212.307.5598 www.Venable.com

March 20, 2025

John C. Vazquez
t 212.370.6293
JCVazquez@Venable.com

VIA ECF

The Honorable James M. Wicks
United States Magistrate Judge
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: *Gonzalez, et al. v. 800-Flowers, Inc.*, No. 24-cv-08894-SJB-JMW
800-Flowers, Inc.'s Motion for Extension of Time to Answer or Otherwise
Respond to Plaintiffs' First Amended Complaint and to Adjourn Initial
Conference

Dear Judge Wicks:

We represent defendant 800-Flowers, Inc. in the above-referenced matter, and we write to request that the Court enter an order: (1) holding in abeyance the company's obligation to respond to the first amended complaint; (2) permitting 800-Flowers, Inc. to respond to plaintiffs' forthcoming second amended complaint by no later than thirty days after plaintiffs file it; and (3) adjourning the April 7, 2025, initial conference until early June after the pleadings close related to the forthcoming second amended complaint. Plaintiffs agree to the requested relief, and good cause exists to grant it for these reasons:

Having conferred with plaintiffs' counsel, plaintiffs' counsel stated they intend to replace the current plaintiffs with two new individuals via a forthcoming second amended complaint. While 800-Flowers, Inc. is prepared to request permission to file a motion seeking dispositive relief concerning the current plaintiffs, that proposed motion is now moot given that those plaintiffs will withdraw themselves from the lawsuit. Accordingly, there is no need for 800-Flowers to respond to the first amended complaint or for the Court to consider it, and thus 800-Flowers requests that the Court hold in abeyance the company's obligation to respond to it.

Further, plaintiffs stated they will file a second amended complaint that replaces the current plaintiffs with two others. 800-Flowers thus requests 30 days from the date of the filing of the second complaint to respond to it, as the company needs time to investigate the transactions with the plaintiffs and determine how to respond, including whether to seek to compel arbitration, and to confer with plaintiffs' counsel about proceeding. The modest extension 800-Flowers seeks will not unduly delay the proceedings or prejudice any party, particularly since there are no discovery or dispositive motions deadlines, or trial dates.



The Honorable James M. Wicks
March 20, 2025
Page 2

800-Flowers also requests that the Court adjourn the April 7, 2025, initial conference until early June, when the pleadings will be settled. 800-Flowers might very well seek to compel plaintiffs to arbitrate or seek other dispositive relief, and how 800-Flowers responds to the forthcoming second amended complaint will affect whether and how the case proceeds in this Court.

This is 800-Flowers' second request for an extension of time to respond to plaintiffs' amended complaint, and the third such request overall, and it is 800-Flowers' first request to adjourn the initial conference. This request is made in good faith and not for the purpose of causing undue delay.

Respectfully submitted,

John C. Vazquez, Esq.

cc: All counsel of record (via ECF)
Ari N. Rothman, Venable LLP (*pro hac vice* motion pending)